UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DETH MAN,

Petitioner,

vs.

MICHAEL CHERTOFF, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY, MICHAEL MUKASEY, ATTORNEY GENERAL, ROBIN F. BAKER DIRECTOR OF SAN DIEGO FIELD OFFICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, JOEL MATA, OFFICER-IN-CHARGE,

Respondents.

CASE NO. 08cv745 IEG (AJB),

ORDER GRANTING MOTION FOR APPOINTMENT OF COUNSEL

Petitioner has submitted a Petition for Writ of Habeas Corpus pursuant to 22 U.S.C. § 2241, together with a motion for appointment of counsel pursuant to 28 U.S.C. § 3006A. Section 3006A(a)(2)(B) provides that counsel may be appointed for an impoverished habeas petitioner "whenever the court determines that the interests of justice so require."

The Supreme Court has held that a post-removal detention exceeding six month is presumptively unreasonable. See Zadvydas v. Davis, 533 U.S. 678, 701 (2001). Petitioner was ordered removed to Cambodia in October of 2007 and was in Respondents' custody until May 19, 2008—a period longer than the presumptively reasonable time.

Respondents have filed notice of Petitioner's release under conditions of supervision. (Doc. No. 4.)

While Petitioner's release substantially abates the controversy, the Court concludes aid of counsel remains necessary to assist Petitioner in negotiating any dismissal of this action with

Respondents.

Based on the foregoing, the Court concludes that the interests of justice require appointment of counsel. Therefore, the Court **GRANTS** Petitioner's request and appoints Janet Tung of the Federal Defenders of San Diego, Inc. as counsel for the purpose of representation in this habeas action.

IT IS SO ORDERED.

DATED: July 9, 2008

IRMA E. GONZALEZ, Chief Judge
United States District Court